

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA

CORNETT MANAGEMENT COMPANY, LLC,  
a foreign corporation,

Plaintiff,

v.

Civil Action No. 5:04CV22  
(STAMP)

LEXINGTON INSURANCE COMPANY,  
a foreign corporation,  
FIREMAN'S FUND INSURANCE COMPANY,  
a foreign corporation,  
BRADY RISK MANAGEMENT, INC.,  
a foreign corporation, and  
HARTAN BROKERAGE, INC.,  
a foreign corporation,

Defendants.

**ORDER GRANTING LEXINGTON INSURANCE COMPANY'S  
EMERGENCY MOTION TO AMEND SCHEDULING ORDER**

On August 22, 2006, this Court entered a third amended scheduling order in this matter. The order set forth a deadline of July 30, 2007 for the plaintiff to file interrogatories and depositions to be used at trial and a deadline of August 6, 2007 for defendants to file the same. On July 26, 2007, Cornett Management Company, LLC ("CMC") and Lexington Insurance Company ("Lexington") submitted a joint motion to amend the scheduling order in which the parties requested that the Court change the deadline for filing interrogatories and depositions to be used at trial to August 3, 2007. In a July 31, 2007 order, this Court granted the parties' request and ordered that the parties file interrogatories and depositions to be used at trial on or before August 3, 2007.

On August 2, 2007, Lexington moved this Court to modify the defendants' deadline for submitting interrogatories and depositions to be used at trial. In support of its motion, Lexington states that defense counsel erroneously failed to identify in its July 26, 2007 joint motion to amend the third amended scheduling order that the requested deadline change for filing interrogatories and depositions was meant to apply only to the plaintiff. Lexington states that it was not the intent of counsel to request an alteration of the defendants' August 6, 2007 deadline as provided by the third amended scheduling order. Further, Lexington states that counsel for CMC does not oppose its emergency motion to amend the scheduling order.

For good cause shown, Lexington's unopposed emergency motion to amend the scheduling order is GRANTED. To the extent that this Court's July 31, 2007 order changed the deadline for the defendants to file interrogatories and depositions to be used at trial from August 6, 2007 to August 3, 2007, that deadline is hereby amended back to the original deadline. Accordingly, the defendants shall file any interrogatories and depositions to be used at trial on or before **August 6, 2007.**

IT IS SO ORDERED.

The Clerk is directed to transmit a copy of this order to counsel of record herein.

DATED: August 3, 2007

/s/ Frederick P. Stamp, Jr.  
FREDERICK P. STAMP, JR.  
UNITED STATES DISTRICT JUDGE